

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

ROSALIN DENISE MARSHALL,

Plaintiff,

v.

HOWARD L. KAPLUS, ESQ., et al.,

Defendants.

Civil Action No. 23-01022 (SDW) (CLW)

WHEREAS OPINION

February 23, 2023

THIS MATTER having come before this Court upon Plaintiff Rosalin Denise Marshall's ("Plaintiff") Complaint, (D.E. 1), filed on February 21, 2023, against Defendants Howard L. Kaplus, Esq.; Kaufman, Dolowich & Vouck, LLP; and Essex County Office of Surrogate (collectively "Defendants"); and

WHEREAS Plaintiff claims financial injury related to a 1989 real estate transaction that her brother and Defendant Kalpaus allegedly effectuated concerning property in Plaintiff's mother's estate. (D.E. 1 at 2–3.) This matter was previously adjudicated in Superior Court of New Jersey, Essex County, Law Division, and that court entered an order of dismissal with prejudice on January 31, 2023.¹ (*Id.* at 8–9, 12.) Plaintiff seeks to appeal the State court's dismissal of the matter by bringing the claim in this Court. (*Id.* at 8–9.); and

WHEREAS the *Rooker-Feldman* Doctrine provides that district courts do not have jurisdiction over "cases brought by state-court losers complaining of injuries caused by state-court

¹ *Marshall v. Kaplus*, No. ESX-L-003424-22.

judgments rendered before the district court proceedings commenced and inviting district court review and rejection of those judgments.” *Vuyanich v. Smithton Borough*, F.4th 379, 384 (3d Cir. 2021) (quoting *Exxon Mobil Corp. v. Saudi Basic Indus. Corp.*, 544 U.S. 280, 284 (2005)). Here, this matter was already adjudicated in the New Jersey State Court, and an Order dismissing the Complaint for failure to state a claim was entered by that court on January 31, 2023. (D.E. 1 at 12.) Pursuant to the *Rooker-Feldman* Doctrine, this Court does not have jurisdiction to review the State Court’s judgment; therefore

Plaintiff’s Complaint is *sua sponte* **DISMISSED WITH PREJUDICE** for inability to establish jurisdiction. An appropriate order follows.

/s/ Susan D. Wigenton
United States District Judge

Orig: Clerk
cc: Cathy L. Waldor, U.S.M.J.
Parties